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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,304	12/09/2003	D. Kirk Grotjohn	RSW920030275US1	3641
46270 7590 01/06/2009 (SAUL-RSW) PATENT DOCKETING CLERK IBM Corporation (SAUL-RSW) C/O Saul Ewing LLP Penn National Insurance Tower 2 North Second Street, 7th Floor Harrisburg, PA 17101				
EXAMINER				
KE, PENG				
ART UNIT		PAPER NUMBER		
2174				
MAIL DATE		DELIVERY MODE		
01/06/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/731,304

Applicant(s)

GROTJOHN ET AL.

Examiner

SIMON KE

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 10/15/08.

Claims 1-24 are pending in this application. Claims 1, 9, and 17 are independent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lebling et al. US Patent 6,141,007 anticipated Sobeski US Patent 5,977,973;

As per claim 1, Lebling teaches a method for managing movement of objects within a workspace of a graphical user interface (GUI), comprising the steps of:

configuring said GUI into a non-overlapping workspace; (see Lebling col.1, lines 40- lines 65)

situating at least two of said objects in said non-overlapping workspace; (see col. 5, lines 30-65)

However, Lebling fails to teach pushing a second of said objects in said non-overlapping workspace when a first of said objects comes in contact with said second of said objects while being moved.

Sobeski teaches pushing a second of said objects in said non-overlapping workspace when a first of said objects comes in contact with said second of said objects while being moved. (see Sobeski, col. 4, lines 20-65)

It would have been obvious to an artisan at the time of the invention to include Sobeski's teaching with method of Lebling in order to reduce window clutter.

As per claim 2, Lebling and Sobeski teaches the method of claim 1. Lebling further teaches wherein said movement of said first object such that it comes in contact with said second object displaces said second object without said first object overlapping said second object. (see col. 5, lines 30-65)

As per claim 3, Lebling and Sobeski teaches the method of claim 2. Lebling further teaches wherein said displacement of said second object by said first object causes an edge of said first object to abut an edge of said second object. (see Lebling col. 5, lines 30-65)

As per claim 4, Lebling and Sobeski teaches the method of claim 3. Lebling further teaches wherein upon said first object coming into contact with said second object, said abutting sides of said first and second objects become coupled to each other, forming an object unit. (see Lebling col. 5, lines 30-65)

As per claim 5, Lebling and Sobeski teaches the method of claim 4, Lebling further teaches wherein movement of said object unit such that it comes into contact with a third object causes said third object to become coupled to said object unit, thereby incorporating said third object into said object unit. (see Lebling col. 5, lines 30-65)

As per claim 6, Lebling and Sobeski teaches the method of claim 5. Lebling further teaches wherein movement of said object unit such that it comes onto contact with any other objects within said non-overlapping workspace causes each such object to become coupled to said object unit, thereby incorporating any such objects into said object unit. (see Lebling col. 5, lines 30-65)

As per claim 7, Lebling and Sobeski teaches the method of claim 6. Lebling further teaches comprising the steps of configuring said object unit for management by providing controllable coupling and decoupling capability with respect to said objects forming and object unit. (see Lebling col. 5, lines 30-65)

As per claim 8, Lebling and Sobeski teaches the method of claim 1. Lebling further teaches wherein said GUI is switchable between said non- overlapping workspace configuration and an overlapping workspace configuration. (see Lebling col. 6, lines 30-60)

As per claim 9, Lebling teaches a system for managing movement of objects within a workspace of a graphical user interface (GUI), comprising:

means for configuring said GUI into a non-overlapping workspace; (see Lebling col.1, lines 40- lines 65

means for situating at least two of said objects in said non-overlapping workspace; (see col. 5, lines 30-65) and

However, Lebling fails to teach means for pushing a second of said objects in said non-overlapping workspace when a first of said objects comes in contact with said second of said objects while being moved.

Sobeski teaches means for pushing a second of said objects in said non-overlapping workspace when a first of said objects comes in contact with said second of said objects while being moved. (see Sobeski, col. 4, lines 20-65)

It would have been obvious to an artisan at the time of the invention to include Sobeski's teaching with method of Lebling in order to reduce window clutter.

As per claims 10-16, they are rejected under the same rationale as claim 2-8. Supra

As per claims 17-24, they are rejected under the same rationale as claim 1-8. Supra

Response to Argument

Applicant's arguments filed 10/15/08 have been fully considered but they are not persuasive.

Applicant's arguments focused on the following:

A) Whether Lebling and Sobeski teaches the idea of pushing a panel with another panel

A) The Sobeski teaches the idea of pushing a panel with another by allowing user to move a ghost window against another window. (see Sobeski, col. 4, lines 40-65)

B) Whether it is obvious to combine Leling with Sobeski.

B) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Sobeski provides a reason to combine its teaching with Leling's method and that is to reduce window cluster. (see Sobeski, col. 2, lines 35-45).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIMON KE whose telephone number is (571)272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Peng Ke
/Peng Ke/
Primary Examiner, Art Unit 2174